

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

SIMON TUSHA,

Plaintiff,

vs.

STANLEY GREENFIELD,

Defendant,

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2:21-CV-00521-CRE

ORDER

Defendant(s) have filed a Motion to Dismiss (ECF No. 19) along with a Brief in support thereof (ECF No. 20) claiming that the Complaint against them should be dismissed for failure to state a claim. Plaintiff will be given an opportunity to amend the complaint or to file a response to the Motion to Dismiss.

IT IS HEREBY ORDERED that Plaintiff is given leave to file an amended complaint no later than **July 30, 2021**. The amended complaint must be prepared on the approved form and must include all defendants and all causes of action and must set forth clearly identified causes of action that both identify Plaintiff's legal theories and facts suggestive of the proscribed conduct alleged in one stand-alone document without reference to any other document filed in this case. *See* Fed. R. Civ. P. 8. Plaintiff is cautioned that the opportunity to file an amended complaint is not an invitation to enlarge the lawsuit by filing new allegations not related to the allegations in the original complaint or by adding defendants not related to the allegations in the original complaint. Inclusion of new allegations and claims unrelated to those set forth in the original complaint will be considered a failure to comply with an Order of Court and will result in the dismissal of the amended complaint.

IT IS FURTHER ORDERED that if Plaintiff does not choose to file an amended

complaint, he **SHALL** file a response in opposition to Defendants' Motion to Dismiss no later than **July 30, 2021**. The filing of a response instead of an amended complaint will serve as notice to the District Court that Plaintiff is asserting his intent to stand on the original Complaint filed in this action. Per Judge Eddy's Chambers Rules, there is a page limitation of twenty (20) pages for all responsive briefs.

IT IS FURTHER ORDERED that Defendants may file a reply to Plaintiff's response on or before **August 13, 2021**. Per Judge Eddy's Chambers Rules, there is a page limitation of five (5) pages for reply briefs.

IT IS FURTHER ORDERED that should Plaintiff fail to comply with this order, the Motion to Dismiss may be decided without the benefit of Plaintiff's response.

DATED this 28th day of June, 2021.

BY THE COURT:

s/Cynthia Reed Eddy
Chief United States Magistrate Judge